

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICHAEL J. THOMPSON, DAVID A. TROESTLER,
JAMES PATRICK JOHNSON, DAVID GRAY,
DAVID THOMPSON, ROBERT K. AULT,
TERRY CONLON, and MICHAEL S. WAKEFIELD,

Plaintiffs,

v.

Case No. 07-CV-1047

RETIREMENT PLAN FOR EMPLOYEES OF
S.C. JOHNSON & SONS, INC., and
RETIREMENT PLAN FOR EMPLOYEES OF
JOHNSON DIVERSEY, INC.,

Defendants.

ANTHONY J. DECUBELLIS,

Plaintiff,

v.

Case No. 08-CV-245

RETIREMENT PLAN FOR EMPLOYEES OF
JOHNSON DIVERSEY, INC.,

Defendant.

ORDER

The plaintiffs in the above-entitled actions filed separate complaints against defendant Retirement Plan for Employees of JohnsonDiversey, Inc. ("JDI Pension Plan") alleging violations of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1001-1461. On April 10, 2008, the JDI Pension Plan filed motions pursuant to Fed. R. Civ. P. 42(a) to consolidate the cases. The plaintiffs filed responses to the motions to consolidate, indicating that the claims are identical

in the cases and that they do not oppose the motions to consolidate for discovery, scheduling, and administrative purposes. However, the plaintiffs assert that consolidating for all purposes would cause disruption because a motion to dismiss is pending in Case No. 07-CV-1047 and a motion to deem certain allegations in the complaint is pending in Case No. 08-CV-245.

The court concludes that the cases should be consolidated even though they have separate and different motions pending. Those motions can be addressed after the cases are consolidated without disruption to the proceedings. In sum, because these actions involve common questions of fact and law, and consolidation will further the interests of judicial economy, the court will grant the motions to consolidate pursuant to Fed. R. Civ. P. 42(a). All subsequent filings shall be docketed on the docket sheet for Case No. 07-CV-1047. See Civil L.R. 42.1(b).

Finally, the JDI Pension Plan also filed an expedited motion to extend the time period for the parties to confer and to prepare and file their Rule 26(f) statement until after the court rules on the motion to consolidate. The court will grant the JDI Pension Plan's motion for an extension of time. Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties shall confer within 14 days of the date of this order and shall, on or before Friday, **June 13, 2008**, file with the court a single joint written report in accordance with the amended order dated April 8, 2008, docketed in Case No. 08-CV-245.

Accordingly,


IT IS ORDERED that the JDI Pension Plan's expedited motion for an extension of time (Docket #12 in Case No. 08-CV-245) be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that the JDI Pension Plan's motions to consolidate (Docket #29 in Case No. 07-CV-1047 and Docket #9 in Case No. 08-CV-245) be and the same are hereby **GRANTED**; Case Nos. 07-CV-1047 and 08-CV-245 are hereby consolidated for all future proceedings under Case No. 07-CV-1047.

The clerk of court is directed to take all appropriate steps to effectuate the consolidation of these cases.

Dated at Milwaukee, Wisconsin, this 9th day of May, 2008.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge